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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,024	08/02/2001	Charles R. Weirauch	10971523-4	8145

7590 11/08/2002

HEWLETT-PACKARD COMPANY  
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EXAMINER

DINH, TAN X

ART UNIT PAPER NUMBER

2653

DATE MAILED: 11/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

04/12/02, 024



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6

DATE MAILED:

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

**OFFICE ACTION SUMMARY**

☒ Responsive to communication(s) filed on 9/12/02

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**

☐ Claim(s) \_\_\_\_\_ is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

**Application Papers**

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

☒ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

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- 1) The amendment filed on 9/12/2002 is acknowledged.
- 2) Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract is not directly to this particular invention. A new abstract is required in next communication.

- 3) The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the " data structure comprising a data area that includes information for control of access to regions of the data storage medium, wherein a region is less than the entire data storage medium " ( claim 1, lines 2-5 0 must be shown

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or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4) Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites " a header, the header further comprising a set of bits, each bit corresponding to a form of control for access to the entire data storage medium ". As seen in figure 2 and specification, page 5, line 11 to page 6, line 9 state that the header contain three information items: (1) DCBID 202, (2) UCDA 204 and (3) vendor ID 206. No place in the specification shows " the header further comprising a set of bits, each bit corresponding to a form of control for access to the entire data storage medium " as now claimed in claim 1. This feature is considered as new matter.

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5) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

6) (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7) Claim 1, as understood by the reason of new matter set forth above, is rejected under 35 U.S.C. 102(b) as being anticipated by FLANNAGAN et al ( 4,827,462 ).

FLANNAGAN et al discloses a data storage medium having a control data stored in the form of a data structure as claimed in claim 1, comprising:

a data area includes information for control of access to regions of the data storage medium, a region is less than the entire data storage medium ( Fig.2, disk 20, data sector 0 to data sector 22 );

a header comprises a set of bits, each bit corresponding to a form of control for access to the data storage medium ( Fig.6, data structure 128 with control access DCB-ID 176. In this case, the data structure 128 has been formed in main memory of host 10 and finally records in the medium as ODSDCB 35, see column 13,

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line 15 to column 14, line 60, for controlling the accessing of the disk ).

8) Applicant's arguments with respect to claim 1 has been considered but are moot in view of the new ground(s) of rejection.

9) Any inquiry concerning this communication or earlier communications from the Examiner should be directed to TAN DINH whose telephone number is (703)308-4859. The Examiner can normally be reached on Monday - Friday from 8:00AM to 5:30PM.

The *fax phone number* for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the RECEPTIONIST whose telephone number is (703) 305-4750, or the CUSTOMER SERVICE whose telephone number is (703) 306-0377.



**TAN DINH  
PRIMARY EXAMINER**

November 6, 2002